

Amendment  
Serial No. 10/810,249

Docket 5000-1-552

### REMARKS

Entry of this Amendment and Reconsideration of the above-identified application are respectfully requested in view of the amendments made to the claims and fir the remarks made herein.

Claims 1-20 are pending and stand rejected.

Claims 1, 2, 6, 7, 12 and 17 have been amended.

Claims 1-3, 6-8, 11-13 and 15 stand rejected under 35 USC § 103(a) as being unpatentable over the admitted prior art ("APA") in view of Nishigaki et al and Moehrmann (US 5,509,077), which are the same reference cited in rejecting the claims the prior Office Action.

Applicant respectfully disagrees with and explicitly traverses the rejection of the claims at least for the remarks made in response to the rejection of the claims in the prior Office Action. However, applicant has elected to amend independent claim 1 to recite the dynamically scrambling of digital information requested by a user and providing scrambling information concurrently to the user with the scrambled digital data." Support for the amendment may be found at least on page 11, lines 14-15 ("[i]n the above method, a specific polynomial  $p(x)$  and initial state for each subscriber for scrambling *is determined each time a subscriber* selects a broadcast/image channel") and page 12, lines 9-12 ("[t]he same *polynomials  $p(x)$  and initial states 227 as transferred to the scramblers 22-1, 22-2 and 22-16 are also transferred as signals 228 to the E-PON OLT function processor 27*, so that they are converted to Ethernet communication data and *then transmitted to each ONT*").

Moehrmann teaches a system of encoding and transmitting descrambling data to

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receiving system (pay-TV receiver) using a code, such as a receiver generated public key or a pre-assigned key, that are assigned to corresponding receiving systems. Moehrmann teaches that the information used for descrambling digital data is transmitted independent of the scrambled digital data. See for example, col. 5, lines 22-37 ("[t]he initial settings of the scramblers ... allocated to the individual pay-TV receivers ... can be repeatedly modified in that the program distribution center calculates a random, new initial setting for the scramblers allocated to the individual pay-TV receivers on the basis of a random number generator Z and communicates the respectively appertaining initial setting of the receiver... New keys can be prescribed for the pay-TV receivers by the program purveyor at certain time intervals ...").

Hence, Moehrmann teaches that the **initial settings of scrambling data are determined and provided to the receiver(s) on at least a time- or start-up basis** and not determined dynamically based on a user request and provided concurrently to the user with the scrambled digital data.

In addition, the combination of Nishaigaki and Moehrmann fail to disclose that an ONT transmits subscriber's broadcast/image selection information to an OLT through a transmitting path of a communication signal so as to transmit only data of the properly selected channel.

Under U.S. patent law, a claim is not obvious over one or more prior art references unless the prior art references, alone or in combination, **teach all features** recited in the claim, or the feature was **generally known in the art** and that it would within the knowledge of those skilled in the art to incorporate such feature into the prior art.

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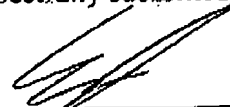
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Independent claim 1, as amended, recites subject matter not described in the teachings of the APA or the cited references because none of the references teaches the dynamic scrambling data and providing the scrambling data concurrently with the scrambled digital data to the user. Hence, the invention claimed in amended claim 1 is not obvious in view of the references and applicant respectfully requests that the rejection be withdrawn.

With regard to the remaining claims in the instant application, each of these claims ultimately depends from claim 1, which as amended is not rendered obvious in view of the cited references, and thus, the remaining claims are also not obvious by virtue of their dependency upon an allowable base claims.

For all the foregoing reasons, it is respectfully submitted that all the present claims are patentable in view of the cited references. A Notice of Allowance is respectfully requested.

Respectfully submitted,



By: Steve S. Cha  
Attorney for Applicant  
Registration No. 44,069

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Steve S. Cha, Reg. No. 44,069  
Cha & Reiter, LLC  
210 Route 4 East, #103  
Paramus, NJ 07652  
Telephone: (201) 226-9245  
Facsimile: (201) 226-6246